



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

CRS
Docket No: 4984-97
2 November 1998

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 October 1998. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the National Naval Medical Center, Department of Psychiatry, Bethesda, MD dated 10 May 1998, a copy of which is enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 27 December 1990 at age 19. You reported to active duty on 29 January 1991. On 16 April 1991 you were diagnosed with a personality disorder and were recommended for discharge. The psychiatrist noted your recurrent suicidal ideation and opined that you were a continuing risk for self destructive behavior.

Based on the psychiatric diagnosis, you were processed for an administrative discharge. In connection with this processing you elected to waive your procedural rights. On 23 April 1991 the commanding officer directed that you be discharged due to the personality disorder. On 30 April 1991 you received an entry level separation by reason of "Other Physical/Mental Condition - Personality Disorder." At that time you were assigned an RE-4 reenlistment code.

In your application, you request changes in the reenlistment code and reason for discharge, a characterized separation in lieu of the uncharacterized entry level separation, and removal of all references to your personality disorder. You have submitted evidence from two psychiatrists and a therapist to the effect that you do not have a personality disorder and are essentially normal.

As indicated in the enclosure, the Board obtained a psychiatric advisory opinion. The Navy psychiatrist concluded that the personality disorder was adequately supported and noted that such disorders often become manifest under stress. He recommended that none of your requests be granted.

After careful and conscientious consideration of the entire record which included your rebuttal to the advisory opinion, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

NATIONAL NAVAL MEDICAL CENTER
DEPARTMENT OF PSYCHIATRY
OUTPATIENT DIVISION
BETHESDA, MARYLAND 20889-5600

10 May 1998

From: LT-Terrye A. Mowatt, MC, USNR, NNMC

To: CAPT William P. Nash, Specialty Advisor for Psychiatry, Chief BUMED, Naval Hospital San Diego, CA 92134-5000

Via: Chairman, Department of Psychiatry, NNMC

Subj.: APPLICATION FOR CORRECTION OF NAVAL RECORDS ICO FORMER
[REDACTED]

Ref: (a) 10 U. S. C. 1552
(b) Board for Correction of Naval Records letter of 8 January 1997 to Specialty Advisor for Psychiatry

Encl.: (1) BCNR File
(2) Microfiche Record
(3) VA file/Medical Record

1. Per your request for review of the subject's petition for a correction of his Navy records and in response to reference (b), enclosures (1) and (2) were thoroughly reviewed.
2. Review of available Navy medical records revealed a 16 April 1991 SF 513 entry by Dr. James W. Bethel, which documented Root being seen at the Naval Hospital, San Diego, CA, Emergency Room when he made vague references to self-harm the night after discharge from a psychiatric hospital. He was diagnosed with occupational problems, personality disorder NOS (not otherwise specified) with immature and antisocial features (primary diagnosis), and healing bilateral self-inflicted wrist lacerations. Administrative separation was recommended, and he was referred to the NTC MHU pending separation.
3. Review of [REDACTED] service record revealed a history of three fines for failure to stop between 1987 and 1989. He was given a fine and community service for second degree reckless burning in 1985. An enlistment waiver for one gross misdemeanor was granted on 27 December 1990 by NRD, Seattle. Root entered active duty on 29 January 1991. He was counseled on 11 April 1991 for poor academic study habits and placed on mandatory night study. Root was awarded the National Defense Service Medal on 29 January 1991. He was discharged by Entry Level Separation (Uncharacterized)/ Other Physical/Mental Conditions - Personality Disorder on 30 April 1991.

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4. Review of other submitted documentation revealed:

a. A letter dated 18 May 1995 verified his employment by the Washington State Reformatory.

b. Letters of reference were provided for a graduate education program and character references.

c. Acceptance letters were received from law schools, including Seattle University School of Law, Loyola University School of Law, and Thomas L. Cooley Law School.

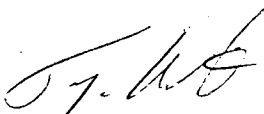
d. Intake assessment from Bay Psychiatric Associates dated 01 January 1997 by Steve Nasuta, P.A.-C. and Dr. Robert Fink was requested by Root to establish he had no personality disorder, to assist changing his discharge status and to pursue reenlistment in the Navy. He denied any psychiatric evaluation or treatment since discharge from the military. He was seen a week prior to this evaluation by Peggy Hansen, a therapist at the Everett Clinic, who referred him for psychiatric evaluation. Phase of life problem and adjustment disorder-unspecified were diagnosed. Axis II diagnosis was deferred. "His history does contain evidence of a pattern of making poor judgments and making decisions which have resulted in extremely negative outcomes. . . . all of these factors suggest the possibility of underlying deficiency in the patient's coping mechanisms and development of appropriate management of normal life circumstances. Whether or not this is a personality disorder is not able to be confirmed or denied in any definitive way at this time. In my best judgment, it would be safe to say that it is not known whether or not a personality disorder exists." Although the assessment by Bay Psychiatric Associates of 03 January 1997 observed no overt evidence of a personality disorder and one was not diagnosed, it did suggest the possibility that one does exist.

e. 03 June 1997 note from Bay Psychiatric Associates by Steve Nasuta, PA-C stated that "[REDACTED] does not show evidence of any personality disorder according to DSM IV criteria, based on past or current behaviors. This is based on a follow-up visit to original evaluation on 1 Jan 97."


f. [REDACTED] submitted an application for correction of military record in June 1997.

6. DISCUSSION: SF513 dated 15 April 1991 documented the diagnosis of Personality Disorder NOS, with immature and antisocial features. This diagnosis was supported by description of impulsive behavior (drinking, speeding, enlisting, and self-injury) without considering the consequences, history of behavior problems, and a recent suicide attempt. These symptoms meet DSM IV criteria for Personality Disorder NOS. Although the assessment by Bay Psychiatric Associates of 03 January 1997 observed no overt evidence of a personality disorder, it did suggest the possibility that one existed. Subsequent note on 03 June 1997 provided no substantial information to exclude an Axis II diagnosis.

7. OPINION AND RECOMMENDATIONS: Available records support the diagnosis of Personality Disorder NOS. Recent psychiatric evaluation does not provide sufficient information to change [REDACTED] diagnosis of personality disorder. Root's maladaptive behavior while in service was well documented. Although [REDACTED] has been reportedly functioning well in civilian life, this was not the case when was exposed to the unique stresses of life in the military. Change in [REDACTED] DD214 was not supported by available records. Deletion of references to his diagnosis of personality disorder, changing the nature of his discharge to "hardship," and upgrade of his discharge to "honorable" are not recommended. Reenlistment into the United States Navy would likely result in recurrent behavioral problems.



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LT, MC, USNR
Staff Psychiatrist Resident



K. D. MOORE
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